

REMARKS

Remaining in the case is Claim 1 with Claims 2-5 and 19-20 depending from it; Claim 13 with dependent Claims 14-18; Claim 21 with dependent Claims 22-34; and Claim 35 with dependent Claims 36-39.

Claims 1-6, 8-14, and 6-18 as initially presented were rejected by Examiner Paschall under 35 U.S.C. 103(a) as being as being unpatentable over Ohmi et al (U.S. Patent No. 6,018,136), in view of Eggleston (U.S. Patent No. 4,684,789). Claims 7 and 15 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Ohmi et al, in view of Eggleston and in further view of Merle (U.S. Patent No. 5,130,518). Reconsideration of the rejection is requested, particularly in view of the claims as they have been amended and new claims added.

The basic reference on which the claims, as initially presented, were rejected is the Patent to Ohmi et al, entitled SYSTEM FOR SUPERVISING PIPING WORK. The Ohmi et al patent provides a piping work supervising system which is capable of precluding accidents in piping due to faulty work. The fact that the invention contemplated is intended for the purpose of supervision is repeated frequently. For instance, in Column 1 beginning at line 33, is the statement: "The present invention provides a system for supervising piping work....". In the same column, beginning at line 46, is the statement: "The supervising system of the invention checks whether the piping work has been executed properly,....". In Column 2 beginning in Line 3 is the statement: "Preferably, a piping work supervising system for use in welding pipes comprises an automatic welder for welding the pipe,....". In Column 2, beginning in Line 18, is the statement: "Preferably, a piping work supervising system for use in tightening up pipe joints comprises....". Claim 1 of the Patent in Column 8, beginning in Line 8, states: "A system for supervising piping work comprising an automatic welder....".

Ohmi et al is contrasted with the present invention, which is a system and method for ensuring the qualification of a workman to perform a task having established required standards. In the trade, a task that has established required standards is termed a "covered task." That is, the task for which requirements have been pre-established is termed as a "covered task" since it is covered by detailed specifications and requirements as to how such task needs to be performed to meet a governmental regulation. A problem solved by the present invention is to determine whether a workman is qualified to perform a "covered task" and/or to assist in evaluating the capabilities of the workman to perform a covered task whether the task is actually performed or when a simulation of the covered task is performed. Thus, the present invention is outside the scope of the Ohmi et al patent.

The other basic reference is the Patent to Eggleston, which illustrates and describes A THERMOPLASTIC FITTING ELECTRIC WELDING METHOD AND APPARATUS. This Patent was cited by the applicant and drawings therefrom indicated as prior art in the specification. The system of this Patent was illustrated and described as a common task for which the systems and methods of the present invention are applicable. The Patent to Eggleston shows a system and method for welding thermoplastic fittings to plastic pipe, but Eggleston does not teach or suggest any system for ensuring the qualification of a workman, nor for providing for training of a workman by permitting simulated performance of a covered task.

Ohmi et al and Eggleston don't contribute to each other the teachings of the present invention and, specifically, do not teach or suggest "a system or a method for ensuring the qualification of a workman to perform a covered task" -- that is, a task having established required standards. Since the prior art does not suggest the essence of applicant's invention, particularly as defined in the Claims as amended and newly presented herein, it is respectfully requested that the application, as amended, is in condition for allowance.

It is understood there is a fee due at this time. For one (1) independent claim in excess of the allowed three (3) = \$42.00. For thirteen (13) total claims in excess of the allowed twenty (20) = \$117.00. Therefore, a check is attached totaling \$159.00. However, should a fee deficiency have occurred, please charge Deposit Account No. 50-1971 per 37 C.F.R. § 1.25.

Respectfully submitted,



Paul H. Johnson September 2, 2003
Registration No. 19,224
PTO Customer No. 28,827
GABLE & GOTWALS
100 West 5th St., 10th Floor
Tulsa, OK 74103
Tel: (918) 595-4963
Fax: (918) 595-4990
E-mail: iplaw@gablelaw.com